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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,757	10/31/2003	David Jesse	66022-0029	2613

10291 7590 03/31/2006

RADER, FISHMAN & GRAUER PLLC  
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SUITE 140  
BLOOMFIELD HILLS, MI 48304-0610

EXAMINER

AHMAD, NASSER

ART UNIT PAPER NUMBER

1772

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,757	<b>Applicant(s)</b> JESSE ET AL.	
	<b>Examiner</b> Nasser Ahmad	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/5/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 31-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 5, 2005 has been entered.

### ***Rejections Withdrawn***

2. Claims 1-8 and 31-42 are rejected under 35 U.S.C. 112, second paragraph, made in the last Office Action of October 4, 2005 has been withdrawn in view of the amendment filed on December 5, 2005.
3. Claims 1-8 and 31-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrett (4543765) has been withdrawn in view of the amendment.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-8 and 31-42 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 1772

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8 and 31-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrett (4543765).

Barrett relates to a wood portion (12), a removable protective layer (16 or 18), a first adhesive (14) that is disposed between the protective layer and a first side of the wood portion, wherein the first adhesive attaches the protective layer to the wood portions and the first adhesive is retained as the protective layer is removed from the wood portion (col. 4, lines 30-39 and col. 5, lines 50-55). A second adhesive (22) is disposed on a second side of the wood portion (col. 8, lines 10-15), the second adhesive is adapted to attach the wood portion to a separate component.

The wood portion of Barrett reads on the phrase "edge band" because the claimed edge band is also a wood portion having the same structure.

The adhesive strength of the first adhesive relative to the wood portion is less strong than the attachment adhesive of the second adhesive relative to the wood portion because the first adhesive is removed with the protective layer, while the second adhesive holds the wood portion in-place on the separate component. As such the first adhesive forms a non-permanent attachment between the protective layer and the wood portion. The protective layer comprises plastic material or non-plastic material such as paper (col. 6, lines 1-5).

The wood portion can be in a roll form (co. 5, lines 32-37). The wood portion can be finished (col. 4, lines 53-55 and col. 1, lines 37-38) which would include staining, painting, etc.

Art Unit: 1772

The intended use phrases such as 'adapted to', 'may be selectively controlled', etc. have not been given patentable weight because said phrase are not found to be of positive limitation.

### ***Response to Arguments***

7. Applicant's arguments filed December 5, 2005 have been fully considered but they are not persuasive.

Applicant argues that Barrett does not teach an edge band as positively recited in claim

1. This is not found to be convincing because, in the absence of any definition of an edge band, Barrett's structure is capable of performing as an edge band because all elements of the claimed structure are the same as of Barrett. Applicant has failed to show that the wooden tiles of Barrett would not function as an edge band.

Similarly, regarding claims 31 and 36, the above explanation apply *a fortiori* herein.

Applicant argues that claim 31 requires "a roll of wood portion", which is not shown in Barrett. This is not deemed to be persuasive because applicant is directed to Barrett, col. 5, lines 32-37, wherein it is clearly mentioned that the wood portion of Barrett can be in a roll form.

Thus, in the absence of any evidence to the contrary, it remains the examiner's position that the claimed invention is anticipated by Barrett for reasons discussed hereinabove.

### ***Conclusion***

8. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the

Art Unit: 1772

application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

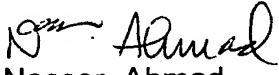
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 3/28/06  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
March 28, 2006.